UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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                                                          :
ZIONESS MOVEMENT, INC.,   :   **POST-ARGUMENT ORDER**
                                                          :
                                    Plaintiff,   :   21 Civ. 7429 (AKH)
                                                          :
            -against-   :
                                                          :
                                                          :
THE LAWFARE PROJECT, INC.,   :
                                                          :
                                    Defendant.   :
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ALVIN K. HELLERSTEIN, U.S.D.J.:

On Mach 17, 2022 I held oral argument for Defendant's motion to compel arbitration (ECF No. 17). For the reasons stated on the record and set forth below, I denied the motion.

Plaintiff never made or signed any agreement to arbitrate with Defendant and cannot be bound to arbitrate this dispute absent consent. *See Hines v. Overstock*, 380 Fed. App'x 22, 24-25 (2d Cir. 2010). Defendant's veil piercing theory is insufficient to compel arbitration. *See Boroditskiy v. European Specialities LLC*, 314 F.Supp.3d 487, 494 (S.D.N.Y. 2018) (citing *Am. Fuel Corp. v. Utah Energy Dev. Co.*, 122 F.3d 130, 134 (2d Cir. 1997)). Likewise, Defendant's direct benefits estoppel theory is unavailing, as Plaintiff's claim does not depend on Berman's employment contract and Plaintiff was not a third party beneficiary of that contract. *See See Am. Bureau of Shipping v. Tencara Shipyard S.P.A.*, 170 F.3d 349, 353 (2d Cir. 1999).

Defendant is ordered to file its Answer by April 7, 2022. The parties are hereby ordered to appear for a status conference on May 20, 2022, at 10:00 a.m. By May 18, 2022 at

12:00, the parties shall submit jointly their proposed case management plan, for approval at the status conference. The status conference will be held via the call-in number:

Call-in Number: 888-363-4749

Access code: 7518680

Finally, no later than May 18, 2022, at 12:00 p.m., the parties shall jointly submit to the court (via the email address HellersteinNYSDChambers@nysd.uscourts.gov) a list of all counsel expected to appear on the record, along with their contact information. The Clerk shall terminate ECF No. 17.

SO ORDERED.

Dated: March 17, 2022
            New York, New York

ALVIN K. HELLERSTEIN
United States District Judge